

General Docket**United States Court of Appeals for the Ninth Circuit**

Court of Appeals Docket #: 20-70297 Children's Health Defense, et al v. FCC, et al Appeal From: Federal Communications Commission Fee Status: Paid		Docketed: 02/03/2020 Termed: 04/24/2020
Case Type Information: 1) agency 2) review 3) null		
Originating Court Information: District: FCC-1 : 19-126 Date Filed: 02/03/2020 Date Decided: 12/04/2019 Date Rec'd COA: 02/03/2020		
Prior Cases: None		
Current Cases: None		

CHILDREN'S HEALTH DEFENSE Petitioner,	Robert Francis Kennedy, Jr. Direct: 914-882-4789 [COR LD NTC Retained] Children's Health Defense 1227 N Peachtree Parkway Suite 202 Peachtree City, GA 30269
	W. Scott McCollough Direct: 512-888-1112 [COR NTC Retained] McCollough Law Firm PC 2290 Gatlin Creek Road Dripping Springs, TX 78620
MICHELE HERTZ Petitioner,	Robert Francis Kennedy, Jr. Direct: 914-882-4789 [COR LD NTC Retained] (see above)
	W. Scott McCollough Direct: 512-888-1112 [COR NTC Retained]

	(see above)
PETRA BROKKEN Petitioner,	Robert Francis Kennedy, Jr. Direct: 914-882-4789 [COR LD NTC Retained] (see above)
	W. Scott McCollough Direct: 512-888-1112 [COR NTC Retained] (see above)
DAVID O. CARPENTER, Doctor Petitioner,	Robert Francis Kennedy, Jr. Direct: 914-882-4789 [COR LD NTC Retained] (see above)
	W. Scott McCollough Direct: 512-888-1112 [COR NTC Retained] (see above)
PAUL DART, Doctor Petitioner,	Robert Francis Kennedy, Jr. Direct: 914-882-4789 [COR LD NTC Retained] (see above)
	W. Scott McCollough Direct: 512-888-1112 [COR NTC Retained] (see above)
TORIL H. JELTER, Doctor Petitioner,	Robert Francis Kennedy, Jr. Direct: 914-882-4789 [COR LD NTC Retained] (see above)
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ANN LEE, Doctor Petitioner,	Robert Francis Kennedy, Jr. Direct: 914-882-4789 [COR LD NTC Retained] (see above)
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VIRGINIA FARVER
Petitioner,

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(see above)

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Robert Francis Kennedy, Jr.
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PAUL STANLEY, M.Ed.
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v.

FEDERAL COMMUNICATIONS
COMMISSION
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UNITED STATES OF AMERICA
Respondent,

Jacob Matthew Lewis, Associate General
Counsel
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(see above)

Jeffrey S. Beelaert, Attorney
[COR NTC Government]
(see above)

ENVIRONMENTAL HEALTH TRUST,
CONSUMERS FOR SAFE CELL PHONES,

Edward B. Myers
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ELIZABETH BARRIS, and THEODORA
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CHILDREN'S HEALTH DEFENSE; MICHELE HERTZ; PETRA BROKKEN; DAVID O.
CARPENTER, Doctor; PAUL DART, Doctor; TORIL H. JELTER, Doctor; ANN LEE, Doctor;
VIRGINIA FARVER; JENNIFER BARAN; PAUL STANLEY, M.Ed.,

Petitioners,

v.

FEDERAL COMMUNICATIONS COMMISSION; UNITED STATES OF AMERICA,

Respondents.

- | | | | |
|------------|--------------------------|--------------------------------------|--|
| 02/03/2020 | <input type="checkbox"/> | 1
210 pg, 2.91 MB | FILED PETITION FOR REVIEW. DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. NOTIFIED RESPONDENTS OF FILING. SEND MQ: Yes. Petitioners Jennifer Baran, Petra Brokken, David O. Carpenter, Childrens Health Defense, Paul Dart, Virginia Farver, Michele Hertz, Toril H. Jelter, Ann Lee and Paul Stanley Mediation Questionnaire due on 02/10/2020. Petitioner brief due 04/23/2020 for Jennifer Baran, Petra Brokken, David O. Carpenter, Childrens Health Defense, Paul Dart, Virginia Farver, Michele Hertz, Toril H. Jelter, Ann Lee and Paul Stanley. Respondent brief due 05/26/2020 for Federal Communications Commission and United States of America. Petitioner's optional reply brief is due 21 days after service of the answering brief. [11582294] (JMR) [Entered: 02/03/2020 10:27 AM] |
| 02/03/2020 | <input type="checkbox"/> | 2 | Filed (ECF) notice of appearance of Richard K. Welch (Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554) for Respondent FCC. Date of service: 02/03/2020. (Party was previously proceeding with counsel.) [11582355] [20-70297] (Welch, Richard) [Entered: 02/03/2020 10:43 AM] |
| 02/03/2020 | <input type="checkbox"/> | 3 | Added Attorney(s) Richard Kiser Welch for party(s) Respondent FCC, in case 20-70297. [11582357] (NAC) [Entered: 02/03/2020 10:45 AM] |
| 02/04/2020 | <input type="checkbox"/> | 4 | Filed (ECF) notice of appearance of William J. Scher (Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554) for Respondent FCC. Date of service: 02/04/2020. (Party was previously proceeding with counsel.) [11584197] [20-70297] (Scher, William) [Entered: 02/04/2020 09:55 AM] |
| 02/04/2020 | <input type="checkbox"/> | 5 | Added Attorney(s) William Scher for party(s) Respondent FCC, in case 20-70297. [11584209] (NAC) [Entered: 02/04/2020 09:57 AM] |

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|------------|--------------------------|---------------------------|---|
| 02/08/2020 | <input type="checkbox"/> | <u>6</u> | Filed (ECF) Petitioners Jennifer Baran, Petra Brokken, David O. Carpenter, Childrens Health Defense, Paul Dart, Virginia Farver, Michele Hertz, Toril H. Jelter, Ann Lee and Paul Stanley Mediation Questionnaire. Date of service: 02/08/2020. [11590504] [20-70297] (McCollough, W.) [Entered: 02/08/2020 03:00 PM] |
| | | | 2 pg, 116.48 KB |
| 02/08/2020 | <input type="checkbox"/> | 7 | The Mediation Questionnaire for this case was filed on 02/08/2020. To submit pertinent confidential information directly to the Circuit Mediators, please use the following <u>link</u> . Confidential submissions may include any information relevant to mediation of the case and settlement potential, including, but not limited to, settlement history, ongoing or potential settlement discussions, non-litigated party related issues, other pending actions, and timing considerations that may impact mediation efforts.[11590508]. [20-70297] (AD) [Entered: 02/08/2020 06:44 PM] |
| 02/12/2020 | <input type="checkbox"/> | 8 | Filed (ECF) notice of appearance of Ashley Boizelle (Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554) for Respondent FCC. Date of service: 02/12/2020. (Party was previously proceeding with counsel.) [11594787] [20-70297] (Boizelle, Ashley) [Entered: 02/12/2020 11:30 AM] |
| 02/12/2020 | <input type="checkbox"/> | 9 | Added Attorney(s) Ashley Boizelle for party(s) Respondent FCC, in case 20-70297. [11594796] (NAC) [Entered: 02/12/2020 11:32 AM] |
| 02/12/2020 | <input type="checkbox"/> | <u>10</u> | Filed (ECF) Respondent FCC Motion to transfer appeal to United States Court of Appeals for the District of Columbia Circuit. Date of service: 02/12/2020. [11595266] [20-70297] (Scher, William) [Entered: 02/12/2020 02:34 PM] |
| | | | 171 pg, 1.05 MB |
| 02/18/2020 | <input type="checkbox"/> | <u>11</u> | Filed (ECF) Petitioners Jennifer Baran, Petra Brokken, David O. Carpenter, Childrens Health Defense, Paul Dart, Virginia Farver, Michele Hertz, Toril H. Jelter, Ann Lee and Paul Stanley Motion for miscellaneous relief [Motion for Affirmative Relief and, in the alternative, Opposition to Motion to Transfer (Dkt 10-1)] and Response opposing motion ([<u>10</u>] Motion (ECF Filing), [<u>10</u>] Motion (ECF Filing)). Date of service: 02/18/2020. [11599257] [20-70297] (McCollough, W.) [Entered: 02/18/2020 09:20 AM] |
| | | | 59 pg, 482.95 KB |
| 02/25/2020 | <input type="checkbox"/> | <u>12</u> | MEDIATION ORDER FILED: By 03/09/2020, counsel to email Circuit Mediator regarding settlement potential. Include Ninth Circuit case number in subject line. This communication will be kept confidential, if requested, and should not be filed with the court. The existing briefing schedule remains in effect. SEE ORDER FOR DETAILS. [11608161] (VS) [Entered: 02/25/2020 11:55 AM] |
| | | | 2 pg, 106.03 KB |
| 02/28/2020 | <input type="checkbox"/> | <u>13</u> | Filed (ECF) Respondent FCC reply to response (). Date of service: 02/28/2020. [11612186] [20-70297] (Scher, William) [Entered: 02/28/2020 09:07 AM] |
| | | | 7 pg, 126.69 KB |
| 03/04/2020 | <input type="checkbox"/> | <u>14</u> | Filed (ECF) Petitioners Jennifer Baran, Petra Brokken, David O. Carpenter, Childrens Health Defense, Paul Dart, Virginia Farver, Michele |
| | | | 12 pg, 147.46 KB |

			Hertz, Toril H. Jelter, Ann Lee and Paul Stanley reply to response (). Date of service: 03/04/2020. [11617963] [20-70297] (McCollough, W.) [Entered: 03/04/2020 01:04 PM]
03/11/2020	<input type="checkbox"/>	15	Filed (ECF) notice of appearance of Jeffrey S. Beelaert (U.S. Department of Justice, PO Box 7415, Washington, DC 20044) for Respondents FCC and USA. Date of service: 03/11/2020. (Party was previously proceeding with counsel.) [11625664] [20-70297] (Beelaert, Jeffrey) [Entered: 03/11/2020 07:23 AM]
03/11/2020	<input type="checkbox"/>	16	Added Attorney(s) Jeffrey S. Beelaert for party(s) Respondent USA Respondent FCC, in case 20-70297. [11625665] (NAC) [Entered: 03/11/2020 07:27 AM]
03/13/2020	<input type="checkbox"/>	17	COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: 18 . Original Text: Filed (ECF) Environmental Health Trust, Consumers for Safe Cell Phones, Elizabeth Barris, and Theodora Scarato Motion to become amicus curiae. Date of service: 03/13/2020. [11629773] [20-70297] (Myers, Edward) [Entered: 03/13/2020 03:07 PM]
03/13/2020	<input type="checkbox"/>	18	Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by Environmental Health Trust, Consumers for Safe Cell Phones, Elizabeth Barris, and Theodora Scarato. Date of service: 03/13/2020. [11629789] [20-70297]--[COURT UPDATE: Attached corrected PDF of the brief. 03/16/2020 by KWG] (Myers, Edward) [Entered: 03/13/2020 03:12 PM]
			19 pg, 236.37 KB
03/16/2020	<input type="checkbox"/>	19	Entered appearance of Amici Curiae - Pending Environmental Health Trust, et al. [11631536]--[COURT UPDATE: Updated docket text. 03/16/2020 by KWG] (KWG) [Entered: 03/16/2020 03:49 PM]
04/01/2020	<input type="checkbox"/>	20	Filed (ECF) Petitioners Jennifer Baran, Petra Brokken, David O. Carpenter, Childrens Health Defense, Paul Dart, Virginia Farver, Michele Hertz, Toril H. Jelter, Ann Lee and Paul Stanley citation of supplemental authorities. Date of service: 04/01/2020. [11648354] [20-70297] (McCollough, W.) [Entered: 04/01/2020 10:03 AM]
			23 pg, 801.34 KB
04/02/2020	<input type="checkbox"/>	21	Filed (ECF) Petitioners Jennifer Baran, Petra Brokken, David O. Carpenter, Childrens Health Defense, Paul Dart, Virginia Farver, Michele Hertz, Toril H. Jelter, Ann Lee and Paul Stanley reply to answer to Miscellaneous petition. Date of service: 04/02/2020. [11650275] [20-70297] (McCollough, W.) [Entered: 04/02/2020 03:02 PM]
			177 pg, 1.33 MB
04/02/2020	<input type="checkbox"/>	22	MEDIATION ORDER FILED: This case is RELEASED from the Mediation Program. All further inquiries regarding this appeal, including request for extensions of time, should be directed to the Clerk's Office. Counsel are requested to contact the Circuit Mediator should circumstances develop that warrant settlement discussions while the appeal is pending. [11650371] (VS) [Entered: 04/02/2020 03:46 PM]
			1 pg, 85.71 KB
04/17/2020	<input type="checkbox"/>	23	Filed (ECF) Respondent FCC citation of supplemental authorities. Date of

	2 pg, 181.46 KB		service: 04/17/2020. [11664594] [20-70297] (Scher, William) [Entered: 04/17/2020 01:56 PM]
04/20/2020	<input type="checkbox"/> 24	2 pg, 357.67 KB	Filed (ECF) Petitioners Jennifer Baran, Petra Brokken, David O. Carpenter, Children's Health Defense, Paul Dart, Virginia Farver, Michele Hertz, Toril H. Jelter, Ann Lee and Paul Stanley citation of supplemental authorities. Date of service: 04/20/2020. [11665201] [20-70297] (McCollough, W.) [Entered: 04/20/2020 07:17 AM]
04/24/2020	<input type="checkbox"/> 25	20 pg, 379.26 KB	Filed order (MARY H. MURGUIA, JOHN B. OWENS and MARK J. BENNETT) : Respondents' motion to transfer this petition for review to the United States Court of Appeals for the District of Columbia Circuit (Docket Entry No. [10]) is granted. See 28 U.S.C. § 2112(a)(5) ("All courts in which proceedings are instituted with respect to the same order, other than the court in which the record is filed pursuant to this subsection, shall transfer those proceedings to the court in which the record is so filed."). Respondents' motion to defer filing of the record (Docket Entry No. [10]) is denied as moot. The Clerk shall transfer the petition for review and all other pending motions to the United States Court of Appeals for the District of Columbia Circuit. Upon transfer of the petition, the Clerk shall close this case. TRANSFERRED. [11671337] (RT) [Entered: 04/24/2020 02:59 PM]
04/24/2020	<input type="checkbox"/> 26		Case Transferred to U.S.C.A. District of Columbia - Per Order FILED 4/24/2020. Notified the circuit via email and provided all materials electronically. [11671381] (ER) [Entered: 04/24/2020 03:28 PM]

USCA Case #20-1138

Document #1840703

Filed: 04/24/2020

Page 9 of 9

- ☒ **Documents and Docket Report**
☐ **Documents and Docket Summary**
☐ **Documents Only**

☒ **Include Page Numbers**

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